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Francis Hargrave.
A present from
THE Author.

TRANSLATOR

OF

PLINY'S LETTERS

VINDICATED

FROM

THE OBJECTIONS OF JACOB BRYANT, Esq.

TO HIS REMARKS RESPECTING

TRAJAN'S PERSECUTION OF THE CHRISTIANS
IN BITHYNIA.

By WILLIAM MELMOTH, Esq. *K*

NON ME CUIQUAM EMANCIPAVI, NULLIUS NOMEN FERÒ; MULTUM
MAGNORUM JUDICIO CREDO, ALIQUID ET MEÒ VINDICO.

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THE
TRANSLATOR
OF
PLINY'S LETTERS
VINDICATED.

THE celebrated author of a late *Treatise on the Truth of the Christian Religion* * having arraigned the translator's remarks on the two celebrated epistles of Trajan and Pliny respecting the Christians, it is with reluctance he meets the charge; not as having found reason to change his opinion, but because he is sorry to be under the necessity of defending it against so respectable an opponent.

"If we impartially examine (*the translator observes*) this persecution of the

* Jacob Bryant, Esq.

B

"Chris-

“ Christians, we shall find it to have been
 “ grounded on the ancient constitution of
 “ the state, and not to have proceeded
 “ from a cruel or arbitrary temper in
 “ Trajan. The Roman legislature ap-
 “ pears to have been early jealous of any
 “ innovation in point of public worship ;
 “ and we find the magistrates, during the
 “ old republic, frequently interposing in
 “ cases of that nature. Valerius Maximus
 “ has collected some instances to that pur-
 “ pose, [lib. i. c. 3.] and Livy mentions it
 “ as an established principle of the earlier
 “ ages of the commonwealth, to guard
 “ against the introduction of foreign cere-
 “ monies of religion. *Quoties* (says that
 “ excellent historian, speaking in the per-
 “ son of one of the consuls who is ad-
 “ dressing himself to the people) *quoties*
 “ *hoc patrūm avorūque ætate negotium est*
 “ *magistratibus datum, ut sacra externa fieri*
 “ *vetarent ? Judicabant enim prudentissimi*
 “ *viri—nihil æque dissolvendæ religionis esse,*
 “ *quam ubi non patrio, sed externo ritu sacri-*
 “ *ficaretur.* [Lib. xxxix. c. 16.] It was an
 “ old and fixed maxim likewise of the Ro-
 “ man

" man government, not to suffer any un-
 " licensed assemblies of the people ; and of
 " this Livy also is a voucher: *Majores vestri*
 " (says he) *ne vos quidem nisi quum, &c. forte*
 " *temere coire noluerunt ; & ubicunque multi-*
 " *tudo esset, ibi et legitimum rectorem multitu-*
 " *dinis censebant debere esse.* [Lib. xxxvi. c.
 " 25.] From hence it seems evident, that
 " the Christians had rendered themselves
 " obnoxious (not so much to Trajan, as) to
 " the *ancient* and *settled* laws of the state,
 " by introducing a foreign worship, and as-
 " sembling themselves without authority.

" We are not therefore to judge of the
 " proceedings in question, by the rules
 " we should apply to cases of the same na-
 " ture in our own times. The established
 " religion of the Romans was no other, in
 " the judgment and confession of their best
 " writers, than an engine of state, which
 " could not be shaken without the utmost
 " danger, or rather, perhaps, without the
 " total subversion of their civil government.
 " Accordingly we find them strongly incul-

" cating a tenacious observance of all its
 " rites: *Majorum instituta tueri* (says Cicero)
 " *sacris ceremoniisque retinendis, sapientis est.*
 " [De Leg.] Nor is this principle, if the
 " observation of the celebrated Machiavel
 " be just, peculiar to the Roman state, but
 " of universal truth in politics; for he lays
 " it down as a general maxim, that 'where-
 " ever the Religion of any state falls into
 " disregard and contempt, it is impossible
 " for that state to subsist long.' [*Mach.*
 " *Discorsi sopra tit. Liv.*] This case there-
 " fore is to be considered in a civil, not a
 " religious view; as a matter of state, not
 " of speculation; wherein the lenity and
 " moderation both of the Emperor and his
 " minister deserve to be applauded, as they
 " are neither of them for pushing the mat-
 " ter as far as they most certainly might, had
 " they acted strictly up to the *ancient* and
 " *fundamental* laws of their country.

" The circumstance that attended the
 " Christian assemblies being holden at an
 " unusual hour (*ante lucem*, as Pliny tells us)
 " seems

“ seems to have raised a surmise that they
 “ were of the Bacchanalian kind. For it is
 “ extremely observable, that in the account
 “ which the Christians here give of the true
 “ design of their meeting, they justify them-
 “ selves from the very crimes with which
 “ the Bacchanalians had been charged ; in-
 “ timating, it should seem, that they them-
 “ selves had been taxed with the same : *se*
 “ *sacramentô non ad scelus aliquod obstringere,*
 “ *sed ne furta, ne latrocinia, ne adulteria com-*
 “ *mitterent, ne fidem fallerent, &c.* which
 “ runs exactly parallel with the accusation
 “ against the Bacchanalians, as it stands in
 “ Livy : *Nec unum genus, noxæ, stupra pro-*
 “ *miscua, &c. sed falsi testes, falsa signa tes-*
 “ *timoniaque & indicia ex eadem officina exi-*
 “ *bant.*” Liv. lib. xxxix. c. 8. Pliny’s Let.
 Vol. ii. remark (a), p. 305. 8th edit.

The learned critic thinks himself “ *oblig-*
 “ *ed to dissent from the foregoing remarks*
 “ *in almost every article ;*” and he assigns the
 ten following reasons : pp. 166, 167, 168,
 169, 170, 171.

1. *In the first place, it was impossible for "these persecutions to have been grounded upon the ancient constitution of the Roman state;" or any mode of acting peculiar to that city. For how could the police of Rome, and its ancient institutes, affect the people of Bithynia or of Pontus?—The evidence from Livy is not in the least to the purpose.*

2. *These ancient Christians, so far from "nobly daring at all hazards to render themselves obnoxious," did every thing in their power to prevent it. They met in secret, and performed their worship in their highest rooms, to avoid giving offence.*

3. *For this very reason they rose, as Pliny tells us (ante lucem) before day-light: which is very improperly rendered—a suspicious hour of the night. Thousands must have arisen at the same season (tempore antelucano) and have been blameless.*

4. *Their*

4. *Their behaviour was undoubtedly noble : but they did not display it by a wilful opposition to the law. They shewed it by patience and resignation, and an implicit obedience in all things that could be legally and reasonably demanded ; and lastly, by suffering death, rather than give up their religion and deny their Saviour.*

5. *They were guilty of no breach of law in assembling together. For there was no law against them, when they were at first so cruelly used by Pliny and Trajan. The particular prohibitions related, as I have said before, to the immediate police of ancient Rome, and not to Pontus or Bitbunia.*

6. *Their innocence in this respect is farther apparent. For neither Pliny nor Trajan accused them of any crime against the state, nor breach of any law, nor of any crime whatever. Not one word to this purpose is intimated ; but quite the contrary. Had there been the least grounds for complaint, we should have had the allegation at large.*

7. It was forbad, according to Livy, to introduce any foreign ceremonies, or sacrifices. But the Christians used no foreign sacrifices, not even in Bithynia: nor did they sacrifice at all. This ancient law could not in any degree affect them. All that is quoted to this purpose is incompetent.

8. Nor had they any ceremonies, of which they could be justly accused. They were baptized, or, in other words, dipped in water: and they at stated times partook of bread and wine, and at other times broke bread: all which were circumstances common to every Roman, and to people of every nation. What mental reverence they might entertain at such seasons were secret, and could not therefore be the object of any notice; much less of any law or edict.

9. Nor were they accused of introducing any new Gods. On the contrary, they were, from their spiritual mode of worship, esteemed in general Atheists. Of this cruel imputation the fathers continually complain.

10. When

10. *When the author says, that the Christians rendered themselves obnoxious by refusing to join in communion with the established worship, an unwary reader might be led to think, that the Romans had an uniform mode of worship; and a ritual, like those in the different Christian churches, to which people were obliged to subscribe. But nothing of this sort was to be found either among the Romans or the Greeks. They had a multiplicity of deities: and people in general might serve all, or any, or none. Whatever their choice might have been, no penalty nor disgrace ensued.*

If the objector had sufficiently reflected, that the position he has attempted to confute, relates only to the Christians in Bithynia, during Pliny's administration of that province; he might have confined his strictures within a much narrower compass: but the answer shall be restrained to the precise limits of the question.

It

It was impossible, he affirms, for these persecutions to have been grounded on the ancient constitution of the Roman state; for how could the police of Rome, and its ancient institutes, affect the people of Bithynia or Pontus? The evidence from Livy IS NOT IN THE LEAST TO THE PURPOSE, p. 163;—IS INCOMPETENT, p. 169.

To establish the author's position, two facts were incumbent upon him to have proved; first, that the famous *Senatus Consultum Marcianum*, to which the quotation from Livy alludes, was repealed, or if not repealed was confined to Italy; and secondly, that no other law, or *senatus consultum*, of the ancient republic was of force in Bithynia. But as he has not made even the slightest attempt, either by fact or by argument, to support his assertion; the fair conclusion is, that he had nothing of more weight to produce than his *unqualified contradiction*, and which may be deemed, perhaps, a *satis pro imperio*. It is evident, however, from various instances in the tenth book of Pliny's

Pliny's epistles, that the excellent Trajan ruled the provinces of Bithynia and Pontus, not by capricious despotism, but by ancient laws, former *senatus consulta*, and the constitutions of his predecessors. *Cautum est*, the Proconsul observes in one of his letters to the Emperor, *Cautum est, domine, POMPEIA LEGE quæ Bithynicis data est, &c.* Ep. 83 *. To which Trajan replies, *Interpretationi tuæ, mi secunde carissime, idem existimo; hætenus edictò divi Augusti novatam esse LEGEM POMPEIAM.* Ep. 84 †. So likewise, upon another occasion, this cautious governor, thinking it necessary to consult the Emperor, represents to him that *LEGE POMPEIA permissum Bithynicis civitatibus, &c.* Ep. 115 ‡. The rescript is, *Meritò*

* By a law of Pompey's, concerning the Bithynians, it is provided, Sir, &c.

† I agree with you, my dear Pliny, in your construction; and am of opinion, that the law of Pompey is so far repealed by the edict of the divine Augustus, &c.

‡ The Pompeian law permits the Bithynians, &c.

hæfisti,

bæfisti, mi secunde carissime, quid a te responderi oporteret; nam et LEGIS AUCTORITAS [the LEX POMPEIA] et longa consuetudo usurpata contra legem, in diversum movere te potuit.— In futurum autem LEX POMPEIA observaretur. Ep. 116.*

That Trajan regulated his supreme authority by the ancient laws and established precedents appears still farther evident, by his rescript to Pliny concerning the removal of certain sepulchral monuments belonging to particular families, which had been ruined by inundations and other accidents: the Emperor's direction is, *sequenda tibi EXEMPLA sunt eorum qui isti provincie præfuerunt. Ep. 74†.* So again, in another

* You might well be doubtful, my dear Pliny, what reply to give; the AUTHORITY OF THE law on one side, and long custom against it on the other, might justly occasion you to hesitate. For the future, however, the direction of the POMPEIAN LAW should be observed.

† In this case you should follow the EXAMPLE of the governors your predecessors.

case

case of difficult decision, Pliny acquaints the Emperor, *respexi ad SENATUS CONSULTUM, pertinens ad eadem genera causarum, &c.** The rescript is, *si mihi SENATUS CONSULTUM miseris, aestimabo an debeas cognoscere, &c.†* Ep. 78.

The necessary inference from the foregoing authorities seems to be, that this celebrated author, less patient, perhaps, to examine, than zealous to confute, looked no farther into Pliny's letters than the two epistles concerning the Christians; for, upon any other supposition he could not have ventured so peremptorily to affirm, "*that it was impossible the police of Rome, and its ancient institutes, could affect the people of Bitbunia or Pontus!*"

The next objection would have no claim to notice, if it had come from a less distinguished opponent: "*These ancient Chris-*

* I have examined THE DECREE OF THE SENATE, concerning cases of this nature, &c.

† If you will send me the decree of the senate which occasioned your doubt, I shall be able to judge whether it be proper you should take cognizance, &c.

" tians,"

“ *tians,*” says the animadverter, “ *so far*
 “ *from nobly daring at all hazards to render*
 “ *themselves obnoxious, did every thing in*
 “ *their power to prevent it. For this very*
 “ *reason they rose, as Pliny tells us, ante lu-*
 “ *cem, before day-light; which is very im-*
 “ *properly rendered a suspicious hour of the*
 “ *night. Thousands must have arisen to their*
 “ *occupations at the same season, and have been*
 “ *blameless.*” p. 168.

It must be admitted there were many *officia antelucana* which might bring people abroad at different hours before day-light, without the least hazard of rendering themselves amenable to the magistrate. No person in the least acquainted with the customs and manners of the ancient Romans, can be ignorant that there were various offices of civility and of business, not to mention those of conviviality, which might crowd the streets before the sun appeared above the horizon. Pliny * the elder was accustomed to

* Plin. Ep. iii. 5.

wait upon the Emperor Vespasian at midnight, in order to transact business relating to his official employment: Cicero mentions it as a singular instance of vanity in the renowned Duilius, the first commander who obtained a naval victory over the Carthaginians, that he seemed to affect a kind of nightly triumph by always being preceded by torch-lights, when he appeared in the public streets at midnight:* and Cato, whose virtue is said

“ Sæpe merò caluisse,” †

was put to some confusion by being discovered returning from his party ere day-break in a gayer temper than usual.‡ But in order to produce these *nightly multitudes* as witnesses for the critic's purpose, it should have been proved, not that they were *abroad* while it was yet dark, but that some of them were *then secretly* assembled.

* De Senect.

† Hor. Od. 21. lib. iii.

‡ Plin. Ep. 12. lib. iii.



The

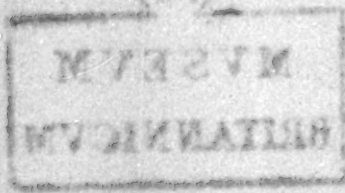
The learned writer insists, however,
 “ there was no law against them when they
 “ were at first so cruelly used by Pliny and
 “ Trajan. The particular prohibitions quot-
 “ ed, related to ancient Rome, and not to Pon-
 “ tus or Bithynia.” p. 169.

To prevent all unlicensed assemblies, especially those which were holden *ante lucem*, was among the first and invariable principles of the Roman legislature, from the most remote period of that government to the æra under consideration. There was a law against them as early as the reign of Tarquin the Second;* they were restrained by an article of the Twelve Tables; and by several subsequent laws. The dread of all *nightly meetings*, as a celebrated civilian observes, was constant; “ they began with it
 “ when they began to be a people, and they
 “ continued it afterwards, whatever other
 “ changes their government underwent.” †

* Dio. Hal. iv. 43.

† Taylor's *Elem. of Civil Law*, p. 569, 570.

They



They were equally prohibited by Trajan, as appears by several of his *rescripts* to Pliny. Thus the latter having occasion to consult the Emperor, in consequence of a terrible fire which had destroyed a considerable part of Nicomedia, the capital of the province; requests permission to establish a company of fire-men, to consist only of 150 members. The reply is, *Tibi quidem secundum exempla complurium* [sc. urbiûm] *in mentem venit, posse collegium fabrorum apud Nicodemenses constitui, sed meminerimus provinciam istam, et præcipue eas civitates ejusmodi factionibus esse vexatas. Quodcunque nomen, ex quâcunque causâ dederimus iis, qui in idem contracti fuerint; hæcæ, quamvis breves, fient. Satiùs itaque est comparari ea quæ ad coercendas ignes auxiliò esse possint.* x. 44.* So likewise Trajan observes,

* You are of opinion it would be proper to establish a company of fire-men in Nicomedia, agreeably to what has been practised in other cities. But we should remember that societies of this sort have greatly disturbed the peace of the province in general, and of those cities in particular. Whatever denomination we may give the members; for whatever sudden purpose they may be assembled; factions will be the
C
result

observes, Ep. x. 118. *MERITO VERERIS ne in speciem DIAMOERIES incidat invitatio quæ in NUMERO MODUM excedit; et quasi per CORPORA, non viritum singulos, ex notitiâ ad sportulas contrahit.* * Upon the same principle his rescript to Pliny, relating to a charitable society established at Amisus, a considerable city in Pontus, is expressed in the following terms: *Amisenos, quorum libellum epistolæ tuæ subjunxeras, si legibus istorum, quibus de officio fœderis utuntur, concessum est Eranos habere, possumus, quo minus habeant, non impedire; eo facilius si tali collatione, non ad TURBAS et ILLICITOS COETUS, ad sustinendam tenuiorem inopiam utuntur. In cæteris civitatibus quæ NOSTRO JURE obstrictæ sunt, res hujusmodi*

result of their meeting. It will be safer therefore to be provided with such machines as may prove useful in extinguishing fires, &c.

* You have reason to be apprehensive, that when a general invitation is given by public notice, which brings together too great a number of people, and where the dole is distributed, not singly to each individual, but as it were to whole united societies, it may have the appearance of a factious assembly, &c.

PROHIBENDA

PROHIBENDA est. x. 94.* So far therefore from its being a fact, as the animadverter asserts, that there was no law against Christians meeting together at the time and under the circumstances mentioned; that the reverse is precisely and evidently the truth.

In farther support of this position, the *Senatus Consultum Marcianum* † may be considered as an additional proof; not only as the terms *convovisse, conspondisse, fidem dedisse, &c.* ‡ but the express clause, *sacra in occulto ne quisquam fecisse velit* ||, may fairly

* If the petition of the Amisani, annexed to your letter, concerning a charitable fund, be agreeable to their own laws, which by the articles of confederation it is stipulated they shall enjoy, I shall not oppose it, especially if these contributions are employed, not for the purpose of riot and illegal assemblies, but for the support of the indigent. In other cities, which are subject to our laws, this kind of public purse must be prohibited.

† See a copy of this decree in Taylor's Elements of Civil Law, p. 549. See also the Appendix.

‡ To have conjointly vowed, engaged, promised, &c.

|| No person shall perform secretly any religious function.

be construed to extend to the Christian fraternities in Bithynia. For, this decree (a duplicate of which still exists in the Imperial library at Vienna) was doubtless sent to all the great corporations of the Roman empire existing at the time of its being enacted; and as its principle is founded upon the ancient constitution of the state, its spirit cannot be supposed to have operated exclusively in any part of the Roman dominions. This presumption rises in strength when it is remarked, that Cicero adopted a similar law in his excellent dialogue on jurisprudence: *separatim nemo habessit deos, neve novos; sed nec advenas, nisi PUBLICE adscitos, privatim colunto.* * †

The learned objector proceeds to observe, that *it was forbid, according to Livy, to introduce any foreign ceremonies or sacrifices.*

* De Leg. ii. 3.

† Let no person have to himself gods apart and distinct from the public worship; nor any new gods, nor any foreign god, unless adopted by authority.

But

But the Christians used no foreign sacrifices, not even in Bithynia: nor did they sacrifice at all. This ancient law could not in any degree affect them. All that is quoted to this purpose is incompetent. N° 7. p. 8.

It is certain that every mode of sacrificial worship was abolished by the Christian dispensation, and no *actual* rite of that kind could ever have been an article of just accusation against the genuine disciples of its divine author; nevertheless, the passage from Livy is *competent* to the purpose for which it was cited: for, it proved that the Roman legislature had early guarded against every innovation both in the object and the ritual of its sacred ordinances. Upon this principle, as well as upon others stated in the foregoing remarks, the existing government could not but look with a jealous eye upon the clandestine assemblies of the Christians; suspecting that they performed in them certain illegal modes of sacrificial oblation. It should seem, indeed, that this suspicion was not altogether without reason; as

among the early converts to Christianity, *there were many thousand Jews who were all zealous of the law of Moses,* * and who held that its sacred ordinances were in no respect superseded by the New Covenant. It is true, even these Judaizing Christians could not in strict construction have offended the law under consideration; because every kind of legal sacrifice necessarily ceased with the destruction of their temple. But this is a circumstance of their law of which Trajan may well be supposed totally ignorant; as indeed the Romans in general were of the distinguishing tenets of the Christian Religion: for, by a fatal mistake, they looked upon the Christians as merely a novel sect lately added to the many others which at various times had arisen in the Jewish polity. The result, however, of their examination before the Proconsul could not tend to convince the Emperor that the suspicion was groundless; because the sacred

* *Acts* xxi. 10. *see Whitby in loc. and Locke on the Epistles.*

functions confessedly performed in their nocturnal assemblies, were expressed in terms appropriated to the Roman ritual and juridical code, and, as adopted by the Christian converts, were certainly commemorative of an actual *sacrifice*.

Object. 8. p. 8. *Nor had they (the Christians) any ceremonies of which they could be justly accused. They were baptized, or, in other words, dipped in water; and they at stated times partook of bread and wine; and at other times broke bread: all which were circumstances common to every Roman, and to people of every nation. What mental reverence they might entertain at such seasons was secret, and could not therefore be an object of notice, much less of any law or edict.*

This celebrated critic must certainly have cast a *careless*, perhaps an *unwilling*, eye on one of the most positive testimonies of historical evidence relating to the subject in question, which stood full in his view; how otherwise could he have ventured to assert that

the Christians of Bithynia (those *Christians alone*, to whom the translator's remarks have any relation) performed no *ceremonies* in their stated participations of the eucharistical symbols of bread and wine, which could *visibly* distinguish them from a common repast?

Tantumne rem tam negligenter !

The fact is, that these Christians themselves gave a very different account of the manner in which they celebrated this sacred rite, in their examination before the Proconsul. With the conscious firmness of primitive confessors, who *nobly dared at all hazard* * to avow the truth, they declare, that at those clandestine meetings by night, for which they stood arraigned, “ they chanted or
“ repeated a responsive hymn to Christ as to
“ a God, and mutually pledged themselves
“ by a sacramental vow, to abstain from vi-
“ olating certain specified duties of moral
“ obligation:” *affirmabant* †—*quod essent sô-
liti stato die ante lucem convenire, carmenque*

* See *object.* p. 14. † See the *Remarks*, pp. 4 and 5.

*Christo quasi Deo dicere secum invicem; seque-
sacramento obstringere—ne furta, ne latrocinia,
ne adulteria committerent, ne fidem fallerent,
depositum abnegarent.* Plin. x. 97.

It is farther objected, that when the au-
thor of the remarks under discussion says
“ *that the Christians rendered themselves ob-
noxious by not joining in communion with
the established worship, an unwary reader
might be led to think, that the Romans
had an uniform mode of worship, and a
ritual like those in the different Christian
churches, to which people were obliged to
subscribe. But nothing of this sort was
to be found among the Romans.*” N° 10. p. 9.

To guard against the misapprehension of an
unwary reader is impossible, but an attentive
and candid reader could not have been led into
the imputed conclusion: no person, in the
least acquainted with the religious jurispru-
dence of ancient Rome could infer from
the words quoted, *that she had a ritual like
those in the different Christian churches, to
which*

*which people were obliged to subscribe. It is certain however from the particular epistle in question, that a religious test was required of those who were accused of being Christians, before they could obtain their discharge; a test indeed sui generis, and of a nature totally different from those which are demanded by any Christian establishment: they were required to join with the magistrate in worshipping the gods and offering incense to Trajan's statue. Propositus est libellus, multorum nomina continens qui negant se esse Christianos;—cum præeunte me Deos appellarent et imagini tuæ thure et vino supplicarent — DIMITTENDOS putavi. x. 97. **

And upon what authority can it be asserted, that there was no uniform mode of worship at Rome? The fact is, the ancient Romans had an *established* religion, which

* An information was presented to me, containing the names of several persons who denied they were Christians.—When they repeated after me an invocation to the gods, and made an oblation to your statue of wine and frankincense, I thought it was proper to discharge them.

was guarded with the most watchful jealousy, not only by an express clause in the XII. Tab. but by several subsequent statutes in their code of sacred jurisprudence. From the earliest period of the republic, and through its several alterations to the reign of Trajan, the Consuls never opened their business to a general convention of the people without previously invoking the *national gods* by a solemn and *appointed* form of supplication, in which the whole assembly unanimously joined. Nor could any person, unless by a special licence, deviate, in his public or private worship, from the authorized ritual with impunity. In some particular cases an *actual conformity*, in the nature of a test, was required, as in the instance above cited from Pliny; and in the law passed by Augustus, which obliged all senators before they took their places, to *qualify themselves*; that is, to offer frankincense and wine upon the altar of those gods in whose temple they met: a ceremony which could not be evaded; the Roman senate always
assembling

assembling in some consecrated place. *Liv.* xxxviii. c. 49. xxxix. c. 15. *Cic. pro Murena*, in prin. *Plin. Paneg.* c. 1. *Sueton. in Vit. August.* 35.

“ But nothing of this sort,” continues the objector, “ was to be found among the Romans. They had a multiplicity of deities; and people in general might serve all, or any, or none.” N° 10. p. 9.

It is painful to be under a necessity of dissenting from the opinion of a person, whose learning has the most undoubted claim to respect; the fact, however, is, on the evidence of the best authorities, that the administration of public and private worship was regulated by public authority, and by no means left to the capricious choice of each individual votary.

The *Pontifex Maximus*, an officer of supreme controul in these matters, was first established by Numa; and his power, together with certain colleagues afterwards added,

added, continued from the reign of that prince through all the subsequent changes of the Roman government. His function, among other articles of ecclesiastical superintendency, was to determine, *quibus hostiis, quibus diebus, ad quæ templa, sacra fierent, atque unde in eos sumptus pecunia erogaretur, cætera quoque omnia publica privataque; ut esset quo consultum plebes veniret: ne quid juris divini, negligendo patrios ritus peregrinosque adsciscendo, turbaretur* *." Liv. i. 2.

It appears, therefore, that the Roman government was ever jealous of all innovation in the established modes of public worship; and no man was permitted to make his offerings to what God and in what manner

* With what victims, on what days, in what temples, sacrifices should be offered; upon what the money should be levied to discharge the expence; together with every other article relating to the public and private ceremonials of religion: to the end, that the people might know to whom to apply for directions in these matters, lest the sacred laws should be violated, by neglecting the established ritual, and adopting foreign modes of worship.

he pleased, without a special licence. The prosperity of the nation was supposed to depend upon the precise discharge of its instituted rites; and it is upon this principle that Cicero's reasoning in his oration *De Harusp. Respon.* chiefly turns. It is true, the sacred canon was occasionally enlarged by the existing government; and certain provincial gods were admitted into the catalogue of their national divinities: but this adoption was always governed by reasons of state-policy, and was at no period left by the legislature, as a matter of public indifference, to the private conscience of individuals *. Upon the whole, therefore, the just and evident conclusion is, that the ecclesiastical laws of ancient Rome guarded the religion of the state, by the severest prohibitions, against every kind of deviation from its ancient ordinances.

* Vid. Binkershoek de Relig. Peregrin. p. 346.

HAVING now followed the learned Opponent through as many of his several objections as *essentially* affect the question in debate ; the Translator cannot close his defence without expressing much surprise to find himself committed with the author of a "*Treatise on the Truth of the Christian Religion.*" If, indeed, he had advanced any opinion which tended by fair inference to weaken the evidence of divine revelation ; he would have kissed the rod and acknowledged the justness of the correction. But this distinguished advocate of the most important of all causes, appears to have been alarmed by a phantom of his own imagination ; for, there is no position in the remarks he has *endeavoured* to confute which can, by any legitimate mode of reasoning, be construed to weaken even the slightest link of that strong chain of evidence, upon which the authenticity of divine revelation depends :

depends: on the contrary, the more intolerant the ecclesiastical laws of ancient Rome are proved to have been,* the more forcible is the conviction arising from the testimony and sufferings of the primitive martyrs. The obvious truth is, that the sole purpose of the position which the *worthy person* thought himself *obliged* to controvert is, to vindicate the moral characters of Trajan and Pliny respecting their conduct towards the CHRISTIANS IN BITHYNIA, by evincing that it was not the Emperor and the Proconsul, but the ancient and established laws of the state, that were *oppressive* and *cruel* to the devoted and innocuous converts in that province. In fact, Trajan ordained no new edict concerning them; and, agreeably to that lenity which distinguished his government in every part of his extensive empire, he forbade Pliny to receive *anonymous* informations, or to mo-

* Sir George Colebrook has lately discussed this subject with great erudition in the 4th of his very ingenious and satisfactory Letters on INTOLERANCE.

left them by *official* prosecutions. Benignity, indeed, was so eminently conspicuous among the more splendid qualities of his princely virtues, that it became an invariable custom during many subsequent centuries after his death, to add to the usual votive acclamations on the accession of a new Emperor *, SIS MELIOR TRAJANO!

* *Hujus tantum memorie delatum est, ut usque ad nostram ætatem non aliter in senatû principibus acclamatur, &c. Eutrop. viii. 5.*

 POSTSCRIPT.

Polemical writers are apt to carry on the debate with so much petulant intemperance, that the question seems ultimately to be, which of the disputants shall have the honour of the *last* word. The author of the present defence disclaims all ambition of that kind; and no *reply*, from whatever *band* it may come, shall induce him to advance a step farther in the controversy. It was, indeed, with the utmost regret that he was *constrained*, by a very unprovoked attack, to enter into it; and he could not but consider himself, upon that occasion, as in circumstances in several respects similar to those of a certain veteran actor of ancient Rome*, who having in his declining years retired from the theatre, and being compelled by Cæsar, in

 * *Laberius*. Vid. Macrob. Saturn. 11. 7.

the last period of his days, to re-appear upon the stage, addressed the audience in a suitable prologue, which concludes with these elegant and very *apposite* lines :

*Ut hedera serpens vires arboreas necat,
Ita me vetustas amplexu annorum enecat :
Sepulchri similis nihil nisi nomen retineo.*

the first of these is the fact that the
the second is the fact that the
the third is the fact that the

the fourth is the fact that the
the fifth is the fact that the
the sixth is the fact that the

APPENDIX.

Among the authorities cited in the preceding vindication, the famous *Senatum Consultum Marcianum* is appealed * to: it is proper, therefore, to subjoin the original for the *reader's* satisfaction.

Q. MARCIUS LUCII FILIUS, SPURIUS POSTUMIUS LUCII FILIUS, CONSULES, SENATUM CONSULUERUNT NONIS OCTOBRIS APUD ÆDEM BELLONÆ—(SCRIBENDO ADFUERUNT M. CLAUDIUS MARCI FILIUS, LUCIUS VALERIUS PUBLII FILIUS, Q. MINUCIUS CAII FILIUS.)

DE BACCHANALIBUS.

QUI FOEDERATI ESSENT ITA EDICENDUM CENSURE. NE QUIS EORUM BACCHANAL HABUISSE VELIT. SI QUI ESSENT, QUI SIBI DICERENT NECESSE BACCHANAL HABERE, IIS UTI AD PRÆ-

* See p. 10. and p. 19.

Torem Urbanum Romam venirent, deque iis rebus ubi eorum verba audita essent, uti senatus noster decerneret: dum ne minus senatoribus centum adessent, quum ea res consuleretur.

Bacchas vir ne quis adisse velit civis Romanus, neve nominis Latini, neve sociorum quisquam, nisi praetorem Urbanum adissent, isque de senatus sententia, dum ne minus senatoribus centum adessent, quum ea res consuleretur, jussissent, censuere.

Sacerdos ne quis vir esset, magister neque vir neque mulier quisquam esset, neve pecuniam quisquam eorum communem habuisse velit, neve magistratum, neve pro magistratu, neque virum neque mulierem quisquam fecisse velit, neve posthac inter se conjurasse, convovisse, neve conspondisse, neque compromisse velit, neve quisquam fidem inter se dedisse velit. Sacra in occulto ne quisquam fecisse velit, neve in publico neve in privato, neve extra urbem sacra quisquam fecisse velit, nisi praetorem Urbanum adisset, isque de senatus sententia, dum ne minus senatoribus centum adessent quum ea res consuleretur, jussissent, censuere.

HOMINES

HOMINES PLUS QUINQUE UNIVERSI VIRI ATQUE MULIERES SACRA NE QUISQUAM FECISSE VELIT, NEVE INTER IBI VIRI PLUS DUOBUS, MULIERIBUS PLUS TRIBUS, ADFUISSE VELINT, NISI DE PRÆTORIS SENATUSQUE SENTENTIA, UTI SUPRA SCRIPTUM EST.

HÆCCE UTI IN CONVENTIONE EDICATIS NE MINUSTRINUM NUNDINUM, SENATUSQUE SENTENTIAM UTI SCIENTES ESSETIS, EORUM SENTENTIA ITA FUIT.

SI QUI ESSENT, QUI ADVERSUM EA FECISSENT, QUAM SUPRA SCRIPTUM EST, HIS REM CAPITALEM FACIENDAM CENSUERE.

ATQUE UTI HOCCE IN TABULAM AHENAM INCIDERETIS, ITA SENATUS ÆQUUM CENSUIT, UTI-QUE EAM FIGI JUBEATIS UBI FACILLIME NOSCI POSSIT.

ATQUE UTI EA BACCHANALIA SI QUA SUNT, EXTRA QUAM SI QUID IBI SACRI EST, ITA UTI SUPRA SCRIPTUM EST, IN DIEBUS DECEM QUIBUS VOBIS TABELLÆ DATÆ ERUNT, FACIETIS UTI DISMOTA SIENT IN AGRO TEURANO.

The above Decree is copied from Dr. Taylor's Elem. of Civil Law; to which is annexed, a learned and explanatory comment on its several clauses. p. 546. et seq. See also Bynkersbeck de Religio. peregrin.

FINIS.

